

Serial No. 09/868,395
Attorney Docket No. PG3612USw

REMARKS

Claims 29-55 are pending. Claims 46, 47, and 49-55 have been cancelled without prejudice to pursuing a continuing application thereon. Applicants have added new claims 56 and 57 as suggested by the Examiner.

Applicants have amended claim 1 to delete the recitations “, or R⁶ and R⁴ together with the N and C atoms to which they are respectively attached form a pyrrolidine ring” from the description of substituent R⁶. Claim 38 has been amended to include a period (.) at the end thereof.

Additionally, Applicants have amended the following claims as described below to effect stylistic changes that do not narrow the scope of the claims and are not made for purposes of patentability. Claim 1 has been amended to correct typographical errors in recitations describing substituent Ar¹ and has been amended to replace the recitations in the last line “and salts and solvates thereof” with the recitations “-or salts or solvates thereof-”. Claims 39-41 have been amended to place the claims in Markush claim format. Claim 42 has been amended to remove the preamble thereof in accordance with US chemical patent practice. Claim 43, which depends from claim 42, has been amended to remove the recitations “of formula (I)” as claim 42 does not recite “formula (I).” Claim 44 has been amended to replace the recitations “of formula (I) as defined in” with the recitations “according to.” Claim 45 has been amended to remove the recitations “of formula (I)”. Claim 48 has been amended to replace the recitations “of formula (I) as defined in” with the recitations “according to” in the preamble. Claim 48 has also been amended to replace the recitations “hydrolysis of” with the recitation “hydrolyzing” in step (a), and to replace the recitations “of formula (I)” with the recitations “according to claim 29” in the last line.

I. 35 U.S.C. § 112, first paragraph

Claims 44-47 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. After discussing various reasons why the Examiner believes that method of treating asthma claims are not enabled, the Action concludes on page 11 that “undue experimentation” would be required to

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practice the invention claimed in the rejected claims (claims 44-47). The Action suggests that the term "pharmaceutical" be deleted from each of claims 44-46, and that claim 47 be cancelled. Applicants respectfully traverse these rejections.

Claim 44 recites "A pharmaceutical composition comprising a compound of formula (I) as defined in claim 29 or a pharmaceutically acceptable salt or solvate thereof in admixture with one or more pharmaceutically acceptable diluents or carriers." The invention recited in claim 44 is enabled. At page 19, line 19, to page 24, line 27, the specification describes how to make embodiments of the pharmaceutical formulations recited in claim 44. Applicants respectfully submit that this disclosure would enable one skilled in the art to make and use the pharmaceutical formulations recited in claim 44. Such pharmaceutical formulations would be useful in the method of inhibiting eosinophil infiltration into the lungs of a patient recited in new claim 56 or the method of antagonizing VLA-4 recited in new claim 57, for example, which claims were suggested by the Examiner. For similar reasons, Claim 45 is also enabled.

In order to expedite prosecution and without acquiescing in the rejections set forth in the Action, Applicants have cancelled claims 46 and 47.

For at least the foregoing reasons, Applicants respectfully request that these rejections be withdrawn.

II. 35 U.S.C. § 112, second paragraph

Claim 45 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting the phrase "in combination together" which, according to the Action, "appears to be redundant." While Applicants believe the recitations of claim 45 to be definite, Claim 45 has been amended to delete the recitation "together" from the recitations "in combination together with" in order to expedite prosecution.


III. Conclusion

The concerns of the Examiner addressed in full, Applicants respectfully request the withdrawal of all outstanding rejections and the issuance of a Notice of Allowance forthwith.

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Applicants encourage the Examiner to direct any questions regarding this application to the undersigned, who may be contacted at (919) 483-9024.

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